

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
Plaintiff,) Civil Action No. 09-C-0782
v.)
SILGAN CONTAINERS MANUFACTURING) **COMPLAINT**
CORPORATION,) (Jury Trial Demand)
Defendant.)

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e *et seq.* (“Title VII”), and Title I of the Civil Rights Act of 1991, 42 U.S.C. § 1981a, to correct unlawful employment practices on the basis of race and to provide appropriate relief to Romardro Henderson, who was adversely affected by such practices. As alleged with greater particularity below, defendant Silgan Containers Manufacturing Corporation violated, and continues to violate, Title VII, first by intentionally delaying its hiring of Henderson at its facility in Oconomowoc, Wisconsin, and then by terminating his employment only a few weeks later based on his race (Black).

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343, and 1345. This action is authorized and instituted pursuant to Sections 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e-5(f)(1) and (3) (“Title VII”) and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The employment practices alleged to be unlawful were, and are now being, committed within the jurisdiction of the United States District Court for the Eastern District of Wisconsin.

PARTIES

3. The plaintiff, the Equal Employment Opportunity Commission (“EEOC”), is the agency of the United States of America charged with administering, interpreting, and enforcing Title VII, and is expressly authorized to bring this action by Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. §§ 2000e-5(f)(1) and (3).

4. At all relevant times, defendant Silgan Containers Manufacturing Corporation (“Silgan”) has continuously been a Connecticut corporation doing business in the State of Wisconsin and the City of Oconomowoc, and has continuously had at least 15 employees.

5. At all relevant times, Silgan has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g), and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g), and (h).

STATEMENT OF CLAIMS

6. More than 30 days prior to the institution of this lawsuit, Romardro Henderson (“Henderson”) filed a charge with the EEOC alleging violations of Title VII by Silgan. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least 2006, Silgan has engaged in unlawful employment practices at its facility at 520 West Second Street, Oconomowoc, Wisconsin, in continuing violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a), as follows: In September 2006, Henderson, who is African American, applied to Silgan for a General Laborer job. He underwent a physical examination on October 30, 2006, but was not offered a job until May 2007. Several whites

applied, were interviewed, and had physicals after Henderson, but were hired before he began working on May 21, 2007. Only a few weeks later, on June 14, 2007, Silgan terminated Henderson's employment for reasons not applied to white employees.

8. The effect of the practices complained of in Paragraph 7 above has been to deprive Henderson of equal employment opportunities, and to otherwise adversely affect his status as an employee, because of his race (Black).

9. The unlawful employment practices complained of in Paragraph 7 above were intentional.

10. The unlawful employment practices complained of in Paragraph 7 above were, and are, done with malice or with reckless indifference to the federally protected rights of Henderson, who was adversely affected by such practices based on his race.

PRAAYER FOR RELIEF

Wherefore, the EEOC respectfully requests that this Court:

A. Grant a permanent injunction enjoining Silgan and its officers, successors, and assigns, and all persons in active concert or participation with them, from limiting, segregating, or classifying any employee in any way which would deprive, or tend to deprive, that employee of employment opportunities or otherwise adversely affect his status as an employee because of his race, and from engaging in any employment practice which discriminates on the basis of race.

B. Order Silgan to institute and carry out policies, practices, and programs which provide equal employment opportunities for African Americans, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Silgan to make whole Romardro Henderson by providing appropriate backpay with pre-judgment interest, in amounts to be determined at trial, rightful in-place reinstatement, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices.

D. Order Silgan to make whole Romardro Henderson by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in Paragraph 7 above, in amounts to be determined at trial.

E. Order Silgan to make Romardro Henderson whole by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in Paragraph 7 above, including (but not limited to) emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial.

F. Order Silgan to pay Romardro Henderson punitive damages for its malicious and reckless conduct described in Paragraphs 7 above, in amounts to be determined at trial.

G. Grant such further relief as the Court deems necessary and proper in the public interest.

K. Award the EEOC its costs of this action.

JURY TRIAL DEMAND

The EEOC requests a jury trial on all questions of fact raised by its complaint.

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Dated: August 12, 2009

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